

TECHNICIAN PERSONNEL REGULATION  
NO. 831-1

HEADQUARTERS  
DEPARTMENTS OF THE ARMY AND THE AIR FORCE  
Washington, DC, 22 November 1979

TECHNICIAN PERSONNEL REGULATION 831-1

This regulation adds policy in the areas of retirement of firefighters, use of sick leave, separation of an enlisted technician who accepts a commission, annuity rights of an officer technician accepting a general officer's promotion, and preretirement programs.

1. The following TPRs are inclosed:

a. S1	c. S10	e. S22
b. S8	d. S11	f. S26

2. File this transmittal sheet with FPM Supplement 831-1 installment sheets.

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BY ORDER OF THE SECRETARIES OF THE ARMY AND THE AIR FORCE:

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(Each TPO)

22 November 1979

TPR 831-1  
S1

SUBCHAPTER S1. ADMINISTRATION AND GENERAL PROVISIONS  
S1-4. AGENCY RESPONSIBILITIES

d. Other responsibilities.

(10)(ADDED). Establishing a preretirement/counseling program (see TPR 831-1, S26(ADDED)).

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S8

SUBCHAPTER S8. AGE RETIREMENT  
S8-3. EXEMPTION FROM MANDATORY SEPARATION

a(ADDED). Approval/disapproval authority for exception of National Guard technician law enforcement officers and firefighters from mandatory separation is the Chief, National Guard Bureau. A request for an exemption must be forwarded to NGB-TN, Washington, DC 20310 for consideration. The request must be submitted at least 60 days in advance of the mandatory separation date, and must contain the following:

- (1) A request from the technician that he/she is willing to remain in the service.
- (2) A statement from the State Adjutant General that retaining the technician would be in the best interest of the National Guard.
- (3) A statement to the fact that the technician will not attain age 60 during the period for which the exemption is desired.
- (4) Documentation as to what actions were taken to recruit a qualified replacement.
- (5) The period for which exemption is desired.

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S10

SUBCHAPTER S10. DISABILITY RETIREMENT  
S10-1. ELIGIBILITY

To be eligible for physical disability under the Civil Service retirement law, the technician must, among other things, be totally disabled for useful and efficient service in the position occupied or in any other position of the same grade or class (e.g., an aircrew member failing to meet the appropriate medical standards.)

S10-11. SEPARATION OF EMPLOYEE

a. Date of separation

(2) A technician who has lost military membership and has applied for a Civil Service disability retirement will be separated from technician status upon receipt of adjudication of the disability claim. However, while the claim is pending and the technician is incapacitated to the degree that assigned duties cannot be performed in a satisfactory manner, the technician may be placed in a sick, annual, or LWOP status until final OPM adjudication has been made.

(3) If a technician has not lost military membership upon receipt of adjudication of the disability retirement claim, he/she may continue using whatever sick leave available, until such leave has been exhausted or until loss of military membership, whichever occurs first. (Note: Annuity is payable from date pay ceases.)

22 November 1979

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S11SUBCHAPTER S11. DISCONTINUED SERVICE RETIREMENT  
S11-2. MEANING OF INVOLUNTARY SEPARATION

o(ADDED). Separation due to loss of military membership. National Guard officers, warrant officers, and enlisted personnel who are separated from their technician position due to elimination under the attritive provisions of ROPA or other selective retention programs are considered to be involuntarily separated.

p(ADDED). Failure to accept reenlistment. The failure to accept an enlisted technician's reenlistment application, if properly qualified, by any method other than qualitative or selective screening retention action, is not a basis for discontinued service retirement if denied reenlistment was for cause on charges of misconduct, delinquency, or inefficiency. This also applies to the failure to accept an extension of enlistment.

q(ADDED). Military physical disqualification. A technician who is separated from a technician position for failure to meet military physical standards but who does not qualify for a Civil Service disability retirement will be considered as involuntarily separated for purposes of discontinued service retirement if otherwise eligible.

r(ADDED). Commissioning of enlisted technicians. When a technician who occupies an enlisted military position as a condition of employment accepts a military commission, and is subsequently terminated from technician employment for failure to hold the military grade specified for his or her technician position, such separation is considered voluntary. Therefore, the technician would not be entitled to a discontinued service annuity.

s(ADDED). Officer technician accepting an appointment as a general officer. If an officer technician receives a specific notice of being militarily separated under the provisions of the Reserve Officers Personnel Act (ROPA), and if the technician is offered and accepts a promotion to general officer, the technician, if otherwise eligible, would be entitled to a discontinued service annuity.

NOTE: The Office of Personnel Management, Civil Service Retirement System, makes the final decision as to whether any of the foregoing situations meet the requirements for any type of a Civil Service retirement annuity.

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S22

SUBCHAPTER S22. INDIVIDUAL RETIREMENT RECORD (SF 2806)  
S22-2. PREPARATION AND MAINTENANCE

The preparation and maintenance of Standard Form 2806 will be in accordance with chapter 12, AR 37-105, and part 4, chapter 3, AFM 177-104.

22 November 1979

TPR 831-1  
S26SUBCHAPTER S26(ADDED). PRERETIREMENT COUNSELING PROGRAM  
S26-1. REQUIREMENTS

The National Guard Bureau recognizes that its responsibility concerning a technician's retirement involves more than merely processing the necessary paperwork. Each State is required to prepare a preretirement counseling program geared to the needs of its technicians, using locally available resources. Every technician who is within 5 years of eligibility for optional retirement, including those eligible for discontinued service retirement, must be given an opportunity to participate in this program, which will be strictly optional. The program will not be used to coerce eligible technicians to retire.

## S26-2. RESPONSIBILITIES

Each State Adjutant General is responsible for insuring that a preretirement counseling program is established within the State and that this program meets the minimum requirements as established by this regulation. The responsibility for the actual development of this program rests with the Technician Personnel Officer or a member of the TPO's staff.

## S26-3. PROGRAM STRUCTURE

Preretirement counseling programs have been the subject of much research and written material. Most authorities on these counseling programs agree that the programs must be geared to the local situation and to the individuals affected. Counseling sessions will normally be held during working hours and, if possible, the technicians's spouse should be invited to attend.

## S26-4. DISTRIBUTION OF LITERATURE

A wide range of pamphlets and books are available. This material is available from public and private sources at little or no cost. In addition, each State may prepare and issue its own material. This material may be mailed to the homes of technicians who have expressed an interest in the program or distribution may be made at group meetings.

## S26-5. GROUP MEETINGS

The group meeting is unquestionably the best vehicle for providing for retirement preparation. The number of technicians enrolled in group meetings should be limited to 20 and spouses should be encouraged to attend. A combination of lecture and discussion methods should be used. During the group meetings, States are encouraged to obtain assistance from the Social Security Administration and the Internal Revenue Service, as a minimum, in group preretirement counseling sessions.

## S26-6. TECHNICIAN PARTICIPATION

A successful retirement usually depends on early preparation. Many authorities agree that normally 5 years before retirement is a suitable time for definite planning to begin. Mission requirements to a great extent will determine which technicians can be excused to attend meeting; however, priority should be given to technicians closest to retirement.

## S26-7. PUBLICITY

The availability of the State's preretirement counseling program should be brought to the attention of technicians through regular information channels and special notices. Individual invitations may also be issued.

## S26-8. PROGRAM CONTENT

The preretirement counseling program as a minimum will contain the following information:

a. The Financial Aspects of Retirement. Since adjusting to less income is necessary for most people entering retirement, a review of income, living expenses, and money management takes on special significance. Therefore, the following topics may be of particular interest to technicians.

- (1) Civil Service retirement benefits
- (2) Social Security benefits
- (3) Military retirement pay
- (4) Additional income
- (5) Insurance
- (6) Taxes

b. Legal Aspects of Retirement. Technicians approaching retirement should be alerted to the legal programs they are likely to face and of the importance of seeking specialized advice when needed. This information could be presented by either a member of the Army or Air National Guard legal staff or a member of the local bar association. As a minimum, the following topics should be discussed:

(1) Personal affairs records. Technicians should be made aware that personal records such as marriage certificates, income tax returns, deeds, insurance policies, military records, property records, and wills should be secured in a location familiar to both the technician and the spouse.

(2) Legal matters. Information regarding contracts, trust funds, and powers of attorney should also be included in these discussions.



c. Where to Live after Retirement. During group discussion, States should have a representative from either a professional association or a real estate firm present at the group with information on owning vs. renting; on cooperative, condominiums, or renting out a part of one's present home for additional income; and on retirement communities.

#### S26-9. INDIVIDUAL COUNSELING

Individual counseling may be accomplished at anytime; however, it generally should take place after a group meeting.

TECHNICIAN PERSONNEL REGULATION  
No. 831-1

HEADQUARTERS  
DEPARTMENTS OF THE ARMY AND THE AIR FORCE  
Washington, D. C. 20310 12 December 1983

TECHNICIAN PERSONNEL REGULATION 831-1

This change updates the various conditions under which technicians may qualify for disability and discontinued service retirements.

TPR 831-1, 22 November 1979, is changed as follows:

1. New or changed material is indicated by an asterisk.
2. Deleted information is indicated by two asterisks.
3. Remove old pages and insert new pages as indicated below:

Remove Page -

1(S10)  
1(S11)

Insert Page -

1(S10)  
1(S11)

4. File this change sheet in the front of the publication for reference purposes.

Users of this publication are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) to NGB-TN, 5600 Columbia Pike, Falls Church, VA 22041

BY ORDER OF THE SECRETARIES OF THE ARMY AND THE AIR FORCE:

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DISTRIBUTION: D  
(Each SPMO)

12 December 1983

C1  
TPR 831-1  
S10

## SUBCHAPTER S10. DISABILITY RETIREMENT

## S10-1. ELIGIBILITY

\*A technician who is separated from technician employment due to being found physically unfit for continued membership in the National Guard is eligible for disability retirement benefits. However, eligibility for disability retirement will first be determined under the provisions of 5 U.S.C. 8337(a); then, if it is determined that the technician does not meet those requirements, the Office of Personnel Management (OPM) will notify the technician of its denial and invite application for disability retirement benefits under the provisions of 5 U.S.C. 8337(h).\*

## S10-11. SEPARATION OF EMPLOYEE

a. Date of separation.

(2) A technician who has lost military membership and has applied for a Civil Service disability retirement \*under 5 U.S.C. 8337(a)\* will be separated from technician status upon receipt of \*an initial\* adjudication of the disability claim. \*If the initial application is disapproved by OPM, the State is not authorized to retain the technician in a duty or leave status pending a decision on reconsideration or appeal\*. However, while the \*initial\* claim is pending and the technician is incapacitated to the degree that assigned duties cannot be performed in a satisfactory manner, the technician may be placed in a sick, annual, or LWOP status until \*an initial decision is made by OPM.\*

(3) If a technician has not lost military membership upon receipt of \*an approved\* disability retirement claim \*under the provisions of 5 U.S.C. 8337(a)\* he/she may continue using whatever sick leave \*is\* available, until such leave has been exhausted or until loss of military membership, whichever occurs first, provided the technician submits evidence which supports a determination that he or she is incapacitated for satisfactory performance of assigned duties, and only for the period the individual remains incapacitated as supported by evidence acceptable to the appropriate official(s).\*

12 December 1983

C-1  
TPR 831-1  
S11

## SUBCHAPTER S11. DISCONTINUED SERVICE RETIREMENT

## S11-2. MEANING OF INVOLUNTARY SEPARATION

o(ADDED). Separation due to loss of military membership. National Guard technicians\* who are separated from their technician position due to elimination under the \*\* provisions of ROPA or other selective retention programs are considered to be involuntarily separated.

p(ADDED). Failure to accept reenlistment. The failure to accept an enlisted technician's reenlistment application, if properly qualified, by any method other than qualitative or selective screening retention action is not a basis for discontinued service retirement if denied reenlistment was for cause on charges of misconduct, delinquency, or inefficiency. This also applies to the failure to accept an extension of enlistment.

\*\*

\*q\*(ADDED). Commissioning of enlisted technicians. When a technician who occupies an enlisted position \*accepts a commission\*, and is subsequently terminated from technician employment for failure to hold the military grade specified for his/her technician position, such separation is considered voluntary. Therefore, the technician would not be entitled to a discontinued service annuity.

\*r\*(ADDED). Officer technician accepting an appointment as a general officer. \*When an officer technician is separated because of being promoted to a general officer position, the technician, if otherwise eligible, would be entitled to a discontinued service retirement.\*

\*\*

## \*S11-3. PROCEDURE

a. Documentation in advance determination of eligibility request. All requests for advance determination of eligibility for discontinued service retirement must be forwarded to NGB-TN at least 45 days prior to the effective date of the technician's proposed separation from technician employment.\*